

# **EXHIBIT 8**

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE:  
NATIONAL PRESCRIPTION  
OPIATE LITIGATION

Case No. 1:17MD2804  
Cleveland, Ohio

June 25, 2019  
1:03 p.m.

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TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS  
BEFORE THE HONORABLE DAN A. POLSTER,  
UNITED STATES DISTRICT JUDGE, AND  
DAVID A. RUIZ, UNITED STATES MAGISTRATE JUDGE.

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Official Court Reporter: Susan Trischan, RMR, CRR, FCRR, CRC  
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1 time period. They might have criticized us for things we  
2 did earlier, but in that time period, not."

3 THE COURT: Well, they're only sued as  
4 distributors in these -- in this case.

13:35:25 5 MR. STOFFELMAYR: In this case that's  
6 correct. These are all arguments that relate  
7 specifically to the Track 1 trial.

8 THE COURT: All right.

9 MR. STOFFELMAYR: These don't necessarily  
13:35:31 10 have broader consequences.

11 There are arguments about the limitations  
12 period under Ohio law in this particular -- in this  
13 particular trial, but the effect they would have if the  
14 motions were granted would be to remove this group of  
13:35:46 15 defendants from the Track 1 trial; not from  
16 the -- wouldn't have necessarily broad consequences  
17 beyond that in the litigation.

18 Obviously we might or might not have  
19 limitations arguments that relate to other trials or  
13:35:58 20 other cases.

21 The other sort of overreaching motions we  
22 have filed are -- or will file will be a causation  
23 motion. The arguments will be similar as far as the law  
24 goes, but specific to our facts.

13:36:23 25 And this will be a no-evidence motion as it

1 was described, simply no evidence connecting the  
2 shipments, the pharmacy distributors -- sorry -- pharmacy  
3 defendants acting as distributors to their own stores.  
4 No evidence that would connect those shipments, we would  
13:36:42 5 say, to the harm that plaintiffs are claiming.

6 And the harm we're talking about here that  
7 this motion will be focused on is harm that is allegedly  
8 connected to diversion.

9 You know, when it comes to the pharmacy  
13:36:56 10 defendants, like the other distributors, the claim here  
11 isn't that we shipped too much to our own stores in order  
12 to fill legitimate prescriptions, even if there is a  
13 claim that those legitimate prescriptions were a result  
14 of improper demand. The claim is that the shipments to  
13:37:15 15 our stores are somehow connected to the diversion of  
16 opioids, the improper diversion; not the filling of  
17 legitimate prescriptions.

18 THE COURT: I mean, they would have to show  
19 that one or more of the stores of the specific pharmacy  
13:37:27 20 defendant was a pill mill.

21 MR. STOFFELMAYR: Essentially, yes.

22 And there is -- our motion will argue that  
23 there is no evidence that would allow a trier of fact to  
24 draw that conclusion.

13:37:38 25 THE COURT: Okay.

1 MR. STOFFELMAYR: We also have a conspiracy  
2 motion. This was filed on June 21st, and I just to want  
3 make sure it's clear to the Court how this is different  
4 from the RICO arguments the Court has already seen in the  
13:37:50 5 motion to dismiss context, and will probably see again in  
6 the summary judgment context.

7 There is no RICO claim pled against the  
8 pharmacy defendants, so this motion goes only to the Ohio  
9 common law conspiracy claim. And it's a no-evidence  
13:38:08 10 motion. We say there is no evidence to allow a trier of  
11 fact to conclude that the pharmacy defendants entered  
12 into a, quote, unquote, malicious combination, which  
13 would be required for a civil conspiracy claim.

14 The third and last common motion, which has  
13:38:25 15 not been filed yet but will, is a preemption motion, and  
16 this is a preemption argument the Court has not seen yet.  
17 I do want to, at the outset, again make clear what it's  
18 not.

19 This is not the sort of preemption argument  
13:38:38 20 the Court has seen made by the manufacturer defendants  
21 that has to do with how the FDA regulates the labeling  
22 for prescription drugs. That's an important preemption  
23 argument, but a very different one.

24 Our preemption argument goes to how the  
13:38:54 25 legal scheme governing the distribution of controlled